

NDE SPECIAL EDUCATION PART B FOCUSED (DIFFERENTIATED) MONITORING PROCESS

*A Guide for Implementing Monitoring
Activities in Support of Program Improvement*

January 2019

*School District Monitoring
Protocol*

Introduction

Improving educational results for children with disabilities requires a continued focus on the full implementation of IDEA to ensure that each child's educational placement and services are determined on an individual basis, according to the unique needs of each child, and are provided in the least restrictive environment. Focused monitoring provides an opportunity for the district to link the findings from the monitoring activities to support the implementation of a targeted improvement plan.

Overview

The federal regulations require states to monitor the implementation of IDEA. The primary focus of the state's monitoring must be on:

Ensuring that school districts in the state meet the requirements of the Individuals with Disabilities Education Act (IDEA), with particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

School Districts are monitored annually by the NDE Office of Special Education based on a weighted risk analysis of all Special Education data submitted. School districts are then monitored through a focused or differentiated process in four priority areas.

The Monitoring Priority Areas are:

1. Provision of a free appropriate public education (FAPE) in the areas of: Least Restrictive Environment (LRE); Individualized Education Plan (IEP); Discipline and Transition;
2. Eligibility determination including the identification, evaluation and verification of children and youth with disabilities, including the disproportionate representation;
3. Procedural Safeguards; and
4. General Supervision

Principles of Monitoring and Outcomes

1. Ensure compliance with the IDEA and 92 NAC 51 through individualized district response and implementation.
2. Support the linkages between compliance and improvement (RDA) by collecting data to support improvement activities leading to improved outcomes for students with disabilities.

NECounts – Annual Weighted, Risk Analysis

The Office of Special Education monitors districts on an annual basis using a weighted, risk analysis called NeCounts. The goal of NECounts is to create a comprehensive process that looks at all districts across a variety of factors/indicators that affect outcomes for students with disabilities. This process will use a risk analysis to identify school districts that are high, medium, and low risk. From this process, 20% of school districts in the high risk category will then engage in the focused (differentiated) monitoring process.

The focused (differentiated) monitoring process includes the development of a data profile in which school districts have the opportunity to provide the story behind their data which should then drive the supports needed to ensure students with disabilities are successful. From here, the process will engage districts in a more meaningful dialogue in all of the data that districts currently report, enhancing a communication system between NDE and the district to develop improvements in moving Nebraska forward.

Focused Monitoring

The NDE- OSE focused monitoring process is a differentiated process that allows for individualization at the District level. The framework for Focused Monitoring is composed of three (3) components:

1. A District **Data Collection** is an opportunity for the District to provide current data and information in the build out of their profiles;
2. The **Desk Review** is completed by the NDE Special Education Monitoring Team; and
3. The **Monitoring Summary Meeting** is completed with the School District, and participants include the NDE Special Education Monitoring Team Members, District staff, and ESU Support Personnel (if desired).

District Data Collection

(See Protocol Step 2)

Districts will be asked to participate in several data collection methods. These include (but are not limited to); the Success Gaps Tool Kit, Indicator 13 Submission, and Policy and Procedure Review.

Priority Areas: FAPE, Identification, Procedural Safeguards, and General Supervision

FAPE			Identification/ Procedural Safeguards	General Supervision/ Individualized Education Program	
Least Restrictive Environment	Discipline	Transition Program			
Indicator 5 Indicator 6	Indicator 4 Indicator 9 Indicator 10	Indicator 1 Indicator 2 Indicator 12 Indicator 13 Indicator 14	Indicator 8 Indicator 9 Indicator 10 Indicator 11	Indicator 3 Indicator 12 Indicator 13 File Review (IEP, PWN, etc) Policies and Procedures	Indicator 15 Indicator 16

Desk Review

(See Protocol Step 3)

The NDE Monitoring Team will utilize information gathered within the District Data Collection and will review student files to analyze the results and the impact on the priority areas to determine the elements for completing the Monitoring Summary Meeting.

Monitoring Summary Meeting

(See Protocol Step 4)

Following the completion of the Desk Review, the NDE Monitoring Team will conduct a summary meeting with district representatives to collect additional information and/or data that will assist in the outlining of any improvement activities.

Identification of Areas of Improvement/Findings

(See Protocol Step 5)

Following the Desk Review and the Monitoring Summary Meeting, the NDE Monitoring Team will recap the findings from the Desk Review and recommendations for areas of improvement.

Protocol Steps for Part B Focused Monitoring Year 1

Step 1 - Notification of Special Education Monitoring

Districts in the 20% pull of weighted, risk analysis are notified that they will participate in the Part B Focused Monitoring Process for that calendar year.

The District Superintendent and Director of Special Education will receive notification in January of the calendar year. A copy of the letter will be posted on the ILCD portal, under the Accountability tab for future reference.

Step 2 - District Data Collection

Districts will be asked to complete the Success Gaps Tool Kit (provided by the NDE Monitoring Leads), Indicator 13 - Survey of Secondary Transition IEP Goals (located on ILCD 3.0), and a review of the District's Policies and Procedures (located on ILCD 3.0). Districts will be provided the Special Education Data Profile that is used in the NeCounts data analysis.

Districts are asked to complete the Success Gaps Toolkit, Indicator 13, and Policies and Procedures by March 1. This information will be sent back to your NDE Monitoring Team Contact.

Step 3 – Desk Review

Districts will be assigned an NDE Monitoring Team who will utilize information gathered within the District Data Collection as well as notify the district of the student files to be reviewed as part of the NDE Desk Review. The District may:

1. Provide limited access to their electronic student system (SRS, Infinite Campus, etc.), or
2. Provide the paper version of the student files.

The following items are part of the Desk Review:

- **Forms Review**
To determine whether the school district has in place practices which are likely to result in full implementation of the special education regulations. NDE Office of Special Education will review the school district forms for documenting and implementing the IDEA and Rule 51 regulations.
- **Policies, Procedures and Practices**
Annually, districts must submit a checklist indicating whether they have policies, procedures and practices in place to fully implement the requirements of the IDEA and

Rule 51. Additionally, districts are required to have on file with the Nebraska Department of Education, their most current policies and procedures.

- *Complaint Investigations and Due Process Cases*
Complaints and due process hearings filed within the previous year, with instances of noncompliance identified and corrected through either of these processes must be included in the student file review to ensure that corrections continue to be in place.
- *Correction of Previously Identified Noncompliance*
As part of the Desk Review, the NDE Special Education Monitoring Team will review ~~the~~ any previous letter of findings of noncompliance. The NDE Monitoring Team will note any corrective actions taken by the district to ensure correction.
- *Previous fiscal reviews or sub-recipient fiscal reviews*
Fiscal reviews or sub-recipient fiscal reviews conducted during the previous year will be reviewed to determine whether it is necessary to review specific standards during the Focused Summary Meeting. If a fiscal review or sub-recipient review resulted in a finding of noncompliance, the standard which was the basis for that finding must be reviewed during the on-site visit.
- *Data: Performance Report, Nebraska Education Profile, Trend Data*
Districts will be required to submit data for Indicator 13 (Secondary Transition with IEP Goals) on ILCD 3.0 as well as the Success Gap Tool Kit. Indicator 13 data responses to the Success Gap Tool Kit and all other sources of data will be reviewed. Significant elements or results will be discussed, which will include an analysis of the impact on the monitoring priority areas.
- *Review of District Files*
Student files to be reviewed during the desk review are selected by the NDE Monitoring Leads. The number of students within in the district impacts the number of student files reviewed. A targeted review of the student files will be completed which may include all of the priority areas (see page 1). A review of the districts data portfolio, information provided by the district on the Success Gap Tool Kit, and other Desk Review components are used throughout this process.

Step 4 - Monitoring Summary Meeting

The District's NDE Monitoring Team will contact the District to confirm the date of the onsite or Zoom meeting. A report will be sent to the district outlining all of the information to be discussed within the Monitoring Summary Meeting. The NDE Monitoring Team will lead the Monitoring Summary Meeting. Those participating in the meeting will be determined by the NDE Monitoring Team and district staff. Districts will have an opportunity to discuss the results as well as an opportunity to provide additional information of improvement activities and possible corrective action plan needs.

Step 5: Identification of Areas of Improvement/Findings

During the Monitoring Summary Meeting, The NDE Monitoring team will recap the findings from the Data Collection and Desk Review and make recommendations for areas of improvement as well as potential corrective action. The recommendations will illicit one of the following actions:

1. If there is missing documentation of the regulations, procedures or practices identified during the desk review, the district will be given 10 working days to provide the documentation of implementation.
2. If there is noncompliance identified during the review of the regulations, procedures and practices, a Letter of Findings will be issued and a Corrective Action Plan (CAP) must be developed, approved and completed within one (1) year of the notification of noncompliance.
3. If there is no noncompliance identified during the review of the regulations, procedures and practices, or recommendations for improvement, the Monitoring Summary Meeting will be finalized, and a Monitoring Closeout Letter will be issued to the school district or approved cooperative, closing the monitoring activities for that year.

Protocol Steps for Part B Focused Monitoring Year 2

Step 1 - Development of Improvement Plan/Corrective Action Plan

Pursuant to 92 NAC 51-004.14D, all noncompliance must be corrected as soon as possible, and in no case no later than one year from the date on which the district is notified of a finding of noncompliance.

Corrective Action Plan (CAP)

The NDE Monitoring Team will contact the school district to discuss the corrective action plan, review the noncompliance identified during the student file review, and assist the school district in developing the corrective action plan. **The submission, approval and completion of the Corrective Action Plan must be completed within 9 months from the date of receipt of the Letter of Findings.**

Throughout the corrective action process, interaction between the school district and the NDE Monitoring Team will be documented to ensure that the corrective action process is completed within the timeline. Documentation will be maintained regarding each step of the corrective action process (i.e. when the plan is submitted for approval; when the plan is approved by NDE; when the plan is completed; etc.) on ILCD 3.0.

The CAP must include each of the regulations found to be out of compliance in individual files. For each regulation found to be in noncompliance, the corrective action plan must contain the actions which will be taken by the district to ensure full implementation of the regulation in the future, the timelines and persons responsible for taking the actions, and the manner in which the effectiveness of the corrective actions will be evaluated.

NDE Review and Approval of the Corrective Action Plan

When the district has developed the CAP, it will be submitted to the District's NDE Monitoring Team for review and approval. The NDE review will either "Approve" or "Disapprove" the corrective action plan. If the corrective action plan is approved, the district is notified and may proceed with the implementation of the corrective action plan. If the corrective action plan is disapproved, the district will need to revise the CAP, and resubmit.

Implementation of the Corrective Action Plan

The intention of the NeCounts Analysis is to develop a synthesis of training and technical assistance needs in each region based on the data provided by each District. Corrective Action Plan implementation may be completed through regional training/technical assistance when areas of need arise.

The NDE Monitoring Team is prepared to assist the district with the implementation of the corrective action planning. Assistance may include:

- Targeted Technical Assistance, as needed at the state, district, or ESU level;
- Providing additional training to the district staff;
- Providing materials for trainings;
- Contacting a possible consultant/presenter;
- Reviewing proposed revisions to policy, procedures and practices;
- Assisting the district in developing or revising their forms.

NDE Review and Approval of the Completed Corrective Action Plan

When the district has completed all of the corrective activities outlined in the CAP, it will be submitted to the District's NDE Monitoring Team Contact for review and approval. The NDE review will either "Approve" or "Disapprove" the completed CAP activities. If there is sufficient documentation of correction of noncompliance, the completed CAP is submitted and approved. If there is not sufficient documentation of correction of noncompliance, the completed CAP is disapproved, and the district will need to revise the documentation of correction of noncompliance, and resubmit.

Step 2 - Documentation and NDE Verification of Correction of Noncompliance

NDE will take the following steps to determine that the noncompliance has been corrected. These are not exclusive steps, other steps may be added as needed, to document that the correction of noncompliance has been completed successfully.

The NDE Monitoring Team will select for review the student files which contain noncompliance issues, and additional student files to document that there are no further issues of noncompliance. To verify that the CAP was effective in correcting the issues of noncompliance the NDE Monitoring Team will:

- Review the documentation submitted by the district that the corrective action plan has been implemented (i.e. revised policies/procedures etc.).
- Review the individual student files found to have noncompliance issues, unless the child is no longer within the jurisdiction of the school district or approved cooperative.
- Review whether the required action was completed, although late, unless the child is no longer within the jurisdiction of the school district or approved cooperative.
- Review updated data from subsequent reviews or data collection to determine whether the school district is now correctly implementing the specific regulatory requirement.

The Completion Date for the correction of all noncompliance is within one year of the date of the issuance of the Letter of Findings.

Step 3 - Closing the Corrective Action

The Closeout of the Corrective Action will be completed by NDE Monitoring Team following the completion of all corrective action in year 2 by notifying the District that they have completed the CAP successfully and the district has corrected the areas of noncompliance utilizing IDEA Regulations and 92 NAC 51 (Nebraska Rule 51). A CAP Closeout letter must be issued no later than one year from the date of the Letter of Findings.

Protocol Steps for Part B Focused Monitoring Year 3

The Monitoring Closeout Letter will come from the NDE Monitoring Team within the third year of the monitoring cycle. The closeout letter will include language that all steps of the monitoring process have been completed.

Monitoring Protocol Timetable

Monitoring Year Planning Steps PART B - YEAR 1	NDE Persons Responsible	Timeline
Step 1 - Notification of Special Education Monitoring Notification of Special Education Monitoring Activities Letter A letter of notification will be sent to the district in January to alert the district that monitoring activities will be completed during the current calendar year. The letter will be sent to the district Superintendent and Director of Special Education.	Assigned Monitoring Team	January
Step 2 - Notification of District Data Collection A letter will be sent to the district in February which will include the following: <ul style="list-style-type: none"> • Monitoring Protocol • Directions for the Indicator 13 collection on ILCD 3.0 • Success Gap Tool Kit • NECounts Snapshot 	Monitoring Leads	February
Step 3 – Desk Review A member of the NDE Monitoring Team will ask the District to send a limited number of student files for review as part of the NDE Desk Review. The NDE Monitoring Team will conduct the Desk Review.	Assigned Monitoring Team	March - June
Step 4 - Monitoring Summary Meeting Meet with district representatives to collect additional data, if needed, to outline improvement or correction activities. The NDE Monitoring Team leads a discussion of possible linkages to the District's Targeted Improvement Plan (TIP).	Assigned Monitoring Team	August - October
Step 5 - Letter of Improvement Activities/Findings	Monitoring Leads	November

Monitoring Year Planning Steps PART B - YEAR 2	NDE Persons Responsible	Timeline
Step 1 - Correction of Noncompliance (CAP) and Verification of Correction of Noncompliance Follow the process as outlined in the Protocol and shared with the district thru ILCD, including the verification of correction of noncompliance.	Assigned Monitoring Team	Timelines as outlined in the Protocol and documented on the ILCD website.
Step 2 - CAP Closeout Letter A CAP Closeout Letter will be sent no later than 1 year after the letter of findings. It will be shared through the Accountability Tab on ILCD 3.0.	Assigned Monitoring Team	Sent to district when the CAP is completed.
Monitoring Year Planning Steps PART B - YEAR 3	NDE Persons Responsible	Timeline
Monitoring Closeout Letter This letter could be sent as early as November of Year 1 of the Monitoring Cycle, but no later than November of Year 3 of the Monitoring Cycle. It will be shared through the Accountability Tab on ILCD 3.0.	Assigned Monitoring Team	Sent to district when the CAP is completed or following the Onsite visit if there is no CAP.